

**Amended Order to Adopt
Title 13, Division 1, Chapter 1
Article 4.7 – Schools for Traffic Violators**

§345.03 Traffic Violator School Operator Training.

(a) An applicant for Traffic Violator School (TVS) operator license, subject to Vehicle Code section 11202.5, shall provide evidence of successful completion of an educational program as described by Vehicle Code section 11202.5(a)(4) and section 345.75 of this article.

(1) An applicant for an original or reinstatement of a TVS operator license subject to Vehicle Code section 11202.5(a)(4), shall provide evidence of successful completion of an eight hour educational program as described in section 345.75 of this article.

(2) An applicant for a renewal of a TVS operator license subject to Vehicle Code sections 11202.5 and 11204 shall provide evidence to the department of successful completion of a four hour educational program as described in section 345.75 of this article.

(A) Completion of an approved four hour educational program shall be accepted as evidence of professional continuing education as provided in Vehicle Code section 11204 and shall waive the examination requirement of Vehicle Code section 11202.5.

(B) A four-hour educational program shall adequately cover the same topics as the eight hour educational licensing program in a more abbreviated format and with a focus on new laws and regulations which relate to the TVS program.

Note: Authority Cited: Sections 1651 and 11202.5, Vehicle Code. Reference: Sections 11200, 11202.5 and 11204, Vehicle Code.

OPERATOR EDUCATIONAL TRAINING PROGRAM

§345.75. TVS Operator Educational Training Program Approval.

(a) To request approval of a Traffic Violator School (TVS) Operator Educational Training Program, an applicant shall submit a Request for Approval of TVS Operator Educational Training Program, form OL 765 (Rev. 1/2011), which is hereby incorporated by reference. The application shall be submitted with program materials specified in this section based on the modality of instruction (classroom, home study, or internet) of the program being submitted for approval.

(1) Separate approval shall be required for each modality of the TVS operator training.

(2) The program provider shall indicate which educational program the submitted

course material will be used (eight hour, four hour or both).

(b) The content of an educational program, as provided in Vehicle Code section 11202.5(a)(4), must be submitted to and approved by the department.

(1) An educational program shall adequately cover the following subject matter:

- (A) Subject material required by the department for a Traffic Violator School program
- (B) Effective methods and techniques of teaching
- (C) Americans with Disabilities Act (ADA) requirements (beginning with 42 U.S.C. Sec. 12101).
- (D) Recordkeeping and document retention requirements
- (E) Responsibilities of a TVS instructor
- (F) Responsibilities of a TVS operator
- (G) TVS statutes and regulations
- (H) Office procedures
- (I) Techniques for student participation
- (J) Departmental actions, penalties and the appeal process

(2) The educational program provider shall be responsible for revising their approved course material as necessary to ensure that all required subject areas presented reflect substantial ongoing changes in relevant statutes, regulations or other requirements.

(A) A substantial change to the course material of an approved program must be authorized in writing by the department prior to presenting it in an approved program.

(3) An educational program provider shall receive a letter of approval or disapproval from the department when a proposed course or a proposed change to a previously approved course is submitted by a program provider.

(A) An approved course shall be assigned a unique certification number.

(B) When the department disapproves course material submitted, the department shall notify the program provider of all deficiencies.

(C) An educational program approved by the department shall be approved as long as the program continues to meet all program requirements as described in this article and in Vehicle Code section 11202.5(a)(4).

(4) An educational program shall contain a final examination consisting of:

(A) A sixty minute, 50 question test for the eight hour educational

program.

(B) A thirty minute, 25 question test for the four hour educational program.

(C) The final examination time may be included in the course time requirement.

(5) All TVS operator educational programs shall comply with the established requirements of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. Sec. 12101, et seq.), as applicable.

(c) Additional submission requirements for a classroom program include documentation of the following:

(1) A lesson plan for a TVS operator educational program shall include:

(A) A table of contents, sequentially numbered lines on each page and sequentially numbered pages.

(B) A time schedule that specifies the time allotted to cover each subject area, break periods and administrative activities.

(C) A minimum of three final examination tests.

(d) Additional submission requirements for a home study program include documentation of the following:

(1) A sample of the workbook and all other course material used for instruction.

(2) A minimum of three copyright protected final examinations shall be submitted.

(3) The program shall comply with the established requirements of the Americans with Disabilities Act of 1990 (ADA)(42 U.S.C. Sec. 12101, et seq.), as applicable. Such consideration may include but is not limited to captioning for verbal instruction, and larger text for written material.

(e) Additional submission requirements for an internet program include documentation of the following:

(1) Sequentially numbered screen prints of the lesson presentation.

(2) The website shall provide a web link, email address and telephone number that provide support for program and course related problems and questions.

(3) A printed list of all final examination questions.

(A) The final examination questions shall be offered after the lesson and

after:

1. At least 420 minutes have elapsed for the eight hour educational program.
2. At least 210 minutes have elapsed for the four hour educational program.

(B) The final examination questions shall be randomized.

(C) The final examination shall continue until the allotted time has elapsed or all questions have been answered. Students may refer back to course material and the examination may be paused.

(4) The course website shall be secure and password protected.

(5) A user identification and password to access the course material for department approval and periodic review.

(6) The program shall comply with the established requirements of the Americans with Disabilities Act of 1990 (ADA)(42 U.S.C. Sec. 12101, et seq.), as applicable. Such consideration may include but is not limited to software written to allow or incorporate voice recognition software, captions for verbal instruction, and an ability to enlarge text size.

(f) The following department legal statement and disclosure shall be placed at the beginning of the course instruction for a home study and internet course:

“California Department of Motor Vehicles Legal Notice and Disclaimer:

The California Department of Motor Vehicles (DMV) recognizes the right of private enterprises to advertise and distribute information related to their business functions. DMV promotes the free exchange of information, ideas and opinions, except when the content may invade personal privacy, violate property rights, constitute libel, or be a violation of any applicable federal, state or local laws.

While this lesson plan content may have been approved by DMV, the distribution, advertising, and other information provided by this vendor is not guaranteed by DMV nor does it represent the views of the department.

You are advised that DMV, unless statutorily required, has no continuing obligation to provide information to an approved course website or printed publication.

DMV assumes no responsibility for erroneous, incomplete, or out-of-date information. The user should contact the provider and/or DMV to ensure that

the information herein is current and accurate. All warranties of any kind, including but not limited to the IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, freedom from contamination by computer viruses and non-infringement of proprietary rights ARE DISCLAIMED.

You are advised that DMV is not responsible for the content of any off-site web pages referenced from or to an approved course website or home-study publication. In addition, DMV and the State of California are not responsible for the content of files that are uploaded for inclusion.

The user should not rely on the presentation of statutes or regulations referenced in an approved website or printed publication, but should consult the actual text of law. Legal requirements frequently change and the user may wish to seek the advice of counsel. If you find any errors, omission or have a complaint regarding the educational content, we encourage you to report them to the education provider. In the event the issue is not resolved to your satisfaction, call the department at (916) 229-3154.”

Note: Authority Cited: Sections 1651 and 11202.5, Vehicle Code. Reference: Sections 11200, 11202.5 and 11204, Vehicle Code; Americans with Disabilities Act of 1990 (42 U.S.C., Sec. 12101, et seq.)

§345.76. TVS Operator Educational Training Program Completion Certificates.

(a) Evidence of Traffic Violator School (TVS) Operator Educational Program completion, required by Section 345.03 of this Article, shall consist of a completion certificate provided by an approved program provider and shall include the following:

- (1) Full printed name, date of birth, and the number of the California driver license of the person who completed the program.
- (2) The completion date of the approved program.
- (3) Whether the course was a four or eight hour program and the modality: classroom, home study, or internet.
- (4) Program provider identifying information, including, but not limited to:
 - (A) Printed name, telephone number and address of program provider.
 - (B) Printed name and signature of instructor (for classroom instruction) or program provider (for home study or internet instruction).
 1. A signature may be computer generated or handwritten.
 2. A sample of all authorized signatures shall be provided to the department.

- (5) A unique sequential alpha/numeric identifier.
- (6) A statement certifying that the person named on the completion certificate has successfully completed the program.
- (b) Completion certificates issued for completion of approved TVS operator educational training programs will be valid for submission with a TVS operator license applications for a period of one year from the date of program completion.
- (c) All TVS operator educational training program providers shall submit a sample of their program completion certificate to the department for approval prior to utilizing it.
- (d) Each approved TVS operator educational training program provider shall be held responsible for any completion certificate form from its creation until it is issued to a student meeting the completion requirements.
- (e) A completion certificate shall not be issued for any person who does not meet the time requirement, has not completed the training, has not provided their California driver license, or passed the final examination required by section 345.75 of this article.
- (f) A TVS operator educational training program provider shall retain a record of all students who successfully complete a course and are provided a completion certificate for a period of three (3) years from the date of completion of the course.

Note: Authority Cited: Sections 1651 and 11202.5, Vehicle Code. Reference: Sections 11200, 11202.5 and 11204, Vehicle Code.

§345.77. TVS Operator Educational Training Program Identification and Disclosure Requirements.

- (a) An approved TVS operator educational training program shall refuse to admit a person wishing to be trained unless he/she presents a California driver license which verifies their identity and which is current and valid.
 - (1) Training offered in a classroom shall be refused unless the attendee presents a California driver license.
 - (2) Training offered in a home study program shall be refused unless the attendee provides full name and driver license number.
 - (3) Training offered through an online program shall be refused unless the attendee provides his or her California driver license.
 - (A) The provided number shall not be visible on the screen and shall require a second entry to confirm accurate information.

(b) An approved TVS operator training home study or internet program shall present the following statements prior to the collection of fees:

- (1) “Completion of this course is one requirement of the Traffic Violator Operator licensing application process. If you are not aware of the other licensing requirements, it is recommended you visit the California DMV website, visit a DMV inspector’s office or contact the DMV prior to beginning this course.”
- (2) “This program will require a California driver license of you, the applicant. Your license must be current and valid at the time of this training for the completion certificate to be acceptable as evidence of TVS operator educational training.”
- (3) “The Certificate of Completion that is issued after the successful completion of this course is valid for one year from its issuance.”

Note: Authority Cited: Sections 1651 and 11202.5, Vehicle Code. Reference: Sections 11200, 11202.5 and 11204, Vehicle Code.